

FILED

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
RALEIGH DIVISION

PEGGY B. DEANS, CLERK  
U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF N.C.

FEB 11 1999

IN RE: ) CHAPTER 7  
 )  
INTERNATIONAL HERITAGE, INC. ) CASE NO. 98-02675-5-ATS  
 )  
Address: )  
2626 Glenwood Avenue, #200 )  
Raleigh, NC 27608 )  
 )  
TAX ID#56-1921093 )  
 )  
Debtor. )

**MOTION TO MODIFY ORDER OF  
FEBRUARY 8, 1999 REGARDING NEW WORLD JUNCTION**

NOW COMES Holmes P. Harden, Trustee, through special counsel, and files this Motion to Modify Order of February 8, 1999 regarding New World Junction. In support of this Motion, the Trustee states as follows:

1. On February 8, 1999, the Trustee filed an Emergency Ex-Parte Motion seeking, among other things, a restraining order and the turn over of bank records.
2. The Trustee filed this Motion after learning of an Internet advertisement purporting to offer for sale the list of former International Heritage, Inc. sales representatives, which the Trustee considered a potentially valuable asset of the estate, for \$3,500.00 (the "\$3,500.00 Ad").
3. On February 8, 1999, the Court entered an Order regarding the Trustee's motion which, among other things, required New World Junction to cease the advertising in question, required Bank of America to provide information regarding New World Junction,

83

and set two hearings.

4. On February 10, 1999, Special counsel for the Trustee received an e-mail from and spoke with the managing agent of New World Junction, Mr. Nito Alivar.

5. Mr. Alivar explained that he was not actually in possession of the List. Rather, Mr. Alivar explained that in January, 1999, he had received the advertisement attached hereto as Exhibit A, which advertises the List for sale for \$2,500.00 a copy (the "\$2,500.00 Ad"). Mr. Alivar hoped to sell the list for \$3,500.00 a copy, and buy the list for \$2,500.00 from the Trustee pursuant to the \$2,500.00 Ad.

6. The Trustee believes that the \$2,500.00 Ad was created by Mr. Stan VanEtten, former principal of the Debtor. The Trustee further believes that Mr. VanEtten mistakenly believed he had the Trustee's authority to run the \$2,500.00 Ad.

7. Mr. Alivar has indicated that he has received no inquiries as a response of the \$3,500.00 Ad, and has received no monies.

8. Mr. Alivar has agreed to execute an affidavit to this effect in the immediate future.

9. Based upon these representations, and it appearing that no substantial harm to the estate has occurred, the Trustee believes that all provisions of the Court's February 8, 1999 order are unnecessary, save and except the provision prohibiting New World Junction from advertising the sale of the List.

WHEREFORE, the Trustee respectfully requests that the Court modify its Order of February 8, 1999 to render ineffective all portions of that Order save and except paragraph 1 requiring New World Junction to immediately cease advertising for sale any list of former

International Heritage, Inc. representatives.

This the 11th day of February, 1999.

MERRITT, WOOTEN & JANVIER, P.A.



William P. Janvier  
Attorney for Trustee  
N.C.S.B. No. 21136  
P.O. Box 3007  
Raleigh, NC 27602  
Telephone: (919) 834-9160

**CERTIFICATE OF SERVICE**

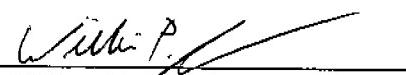
The undersigned does hereby certify that a copy of the foregoing Motion to Modify Order of February 8, 1999 Regarding New World Junction has been served upon each of the parties listed below this 11<sup>th</sup> day of February, 1999.

Mrs. Marjorie K. Lynch  
Bankruptcy Administrator  
P.O. Box 3758  
Wilson, NC 27895-3758

Holmes P. Harden, Trustee  
Maupin, Taylor & Ellis, P.A.  
Highwoods Tower One, Suite 500  
3200 Beechleaf Court  
Raleigh, North Carolina 27604

Bank of America, Attn: Gina  
(via facsimile)  
650-742-5045

Nito Alivar  
(via facsimile)  
650-869-6147

  
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William P. Janvier

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